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U.S. District Court
Eastern District of MO

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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI

JAMES STEWART

And

Case Number:

EILEEN STEWART

Plaintiffs,
Missouri consumers, individually Complaint,

ALLEGATION COMPLAINT

Negligence

v.

28 U.S.C. § 1332

Demand for Jury Trial

EQUIFAX INC.,

ETAL,

Defendant.

EQUIFAX INC.,

1550 PEACHTREE STREET NW, H46,

ATLANTA, GA, 30309-2402, USA

Defendant.

Serve: Registered Agent

SHAWN BALDWIN

1550 PEACHTREE STREET, N.W., Fulton,

ATLANTA, GA, 30309-2402, USA

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Serve:

Richard F. Smith

Chairman and Chief Executive Officer

Equifax Inc.

1550 PEACHTREE STREET NW, H46,

ATLANTA, GA, 30309-2402, USA

Defendant.

Serve:

Jeff Dodge - Investor Relations

Equifax, Inc.

1550 PEACHTREE STREET NW, H46,

ATLANTA, GA, 30309-2402, USA

Defendant.

Serve:

John Gamble – CFO

Equifax, Inc.

1550 PEACHTREE STREET NW, H46,

ATLANTA, GA, 30309-2402, USA

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Serve:

Doug Brandberg - Investor Relations

Equifax, Inc.

1550 PEACHTREE STREET NW, H46,

ATLANTA, GA, 30309-2402, USA

Defendant.

Serve:

Laura Wilbanks – Chief Marketing Officer

Equifax, Inc.

1550 PEACHTREE STREET NW, H46,

ATLANTA, GA, 30309-2402, USA

Defendant.

1.

THE PARTIES

Equifax Inc. (Equifax) is a multi-billion dollar Georgia corporation that provides credit information services to millions of businesses, governmental units, and consumers across the globe. Equifax operates through various subsidiaries including Equifax Information Services, LLC, and Equifax Consumer Services, LLC aka Equifax Personal Solutions aka PSOL. Each of these entities acted as agents of Equifax or in the alternative, acted in concert with Equifax as alleged in this complaint.

2.

James Stewart is an individual consumer residing in the St. Louis, Missouri area and Eileen Stewart is an individual consumer residing in the St. Louis, Missouri area.

3.

JURISDICTION AND VENUE

This Court has jurisdiction under 28 U.S.C. § 1332 because the parties are citizens of different states and the amount in controversy exceeds \$68.6 billion exclusive of penalties. Venue is proper under 28 U.S.C. § 1391 because the bulk of Missouri consumers with credit and personal information stored by Equifax live in the St. Louis, area.

4.

FACTUAL ALLEGATIONS

Plaintiffs file this complaint as individual consumers harmed by Equifax's failure to adequately protect their credit and personal information. This complaint requests Equifax provide fair compensation in an amount that will ensure that the plaintiffs who are consumers harmed by its data breach will not be out-of-pocket for the costs of independent third-party credit repair and monitoring services. This complaint's allegations are based on personal knowledge as to plaintiffs' conduct and made on information and belief as to the acts of others.

4.

Throughout the past year, Equifax collected and stored personal and credit information from Mr. Stewart and Mrs. Stewart, including their social security numbers, birth dates, home addresses, driver's license information, and credit card numbers.

5.

Equifax owed a legal duty to consumers like Mr. Stewart and Mrs. Stewart to use reasonable care to protect their credit and personal information from unauthorized access by third parties. Equifax knew that its failure to protect Mr. Stewart and Mrs. Stewarts credit and personal information from unauthorized access would cause serious risks of credit harm and identify theft for years to come.

7.

On September 7, 2017, Equifax announced for the first time that from May to July 2017, its database storing Mr. Stewart and Mrs. Stewarts credit and personal information had been hacked by unauthorized third parties, subjecting Mr. Stewart and Mrs. Stewart to credit harm and identify theft.

8.

In an attempt to increase profits, Equifax negligently failed to maintain adequate technological safeguards to protect Mr. Stewart and Mrs. Stewart information from unauthorized access by hackers. Equifax knew and should have known that failure to maintain adequate technological safeguards would eventually result in a massive data breach. Equifax could have and should have substantially increased the amount of money it spent to protect against cyber-attacks but chose not to. Consumers like Mr. Stewart and Mrs. Stewart should not have to bear the expense caused by Equifax's negligent failure to safeguard their credit and personal information from cyber-attackers.

As a direct result of Equifax's negligence as alleged in this complaint, Mr. Stewart suffered injury of loss of \$119.95 per month to pay for third-party credit monitoring services he otherwise would not have had to pay for.

Mr. Stewart suffered injury of loss, worry, and pain and suffering. For the following reasons:

- a) Mr. Stewart has paid attorneys to get his credit cleaned up and to increase his score in order to buy a house for him and his 89 year old mother.
- b) All the money that Mr. Stewart spent to get his credit fixed is wasted due to Equifax's massive data breach, the negligence of Equifax, the total disregard for the consumers with whom they have been entrusted with their most personal, private and sensitive information. All of this was allowed to happen because Equifax chose to maximize profits over the expense of safe guarding the personal information of millions of consumers, these consumers are people, Equifax does not have the right to choose profit over people and engage in high risk gambling that results in peoples lives being devastated.
- c) Just knowing that Equifax held off notifying those affected in order to sell off stock, causes plaintiffs to believe a criminal act was committed by Equifax. It demonstrates Negligence and intent by Equifax. This causes plaintiff's great pain and suffering in itself knowing that not one of the executives at Equifax has had to worry financially ever, but the plaintiffs have to worry and wonder if all they worked for is lost.

9.

Mr. Stewart and Mrs. Stewart hope Equifax will use this massive data breach, and their subsequent lawsuit, as a teachable moment to finally adopt adequate safeguards to protect against this type of cyber-attack in the future.

10.

CLASS ALLEGATIONS

Plaintiffs file this complaint as a lawsuit. And reserves the right to amend this petition to a class action on behalf of all consumers affected within the State of Missouri

The Missouri class consists of Missouri consumers who:

- a) Had personal or credit data collected and stored by Equifax in the past year, and
- b) Who were subject to risk of data loss and credit harm and identity theft or had to pay for third-party credit monitoring services as a result of Equifax's negligent data breach from May to July 2017

11.

Excluded from the class are all attorneys for the class, officers and members of Equifax, including officers and members of any entity with an ownership interest in Equifax, any judge who sits on the case, and all jurors and alternate jurors who sit on the case.

12.

The exact number of aggrieved consumers in Missouri can be determined based on Equifax's consumer database, estimated at about half the population of Missouri.

13.

Every aggrieved Missouri consumer suffered injuries as alleged in this complaint directly and proximately caused by Equifax's negligent failure to adequately protect its database from unauthorized access by third-party hackers.

14.

The class is so numerous that joinder is impracticable. Upon information and belief, the Missouri class alone includes millions of consumers based on Equifax's estimate that its data breach affected 143 million consumers nationwide.

15.

Common questions of fact and law predominate over any questions affecting only individual class members. Common questions include whether plaintiffs and the Missouri class members are entitled to equitable relief, whether Equifax acted negligently, and whether plaintiffs and the Missouri class members are entitled to recover money damages.

16.

individual class members have little interest in controlling the litigation, due to the high cost of actions, the relatively small amounts of damages, and because plaintiffs and their attorneys will vigorously pursue the claims. The forum is desirable because the bulk of consumers in Missouri who suffered injury caused by Equifax's negligence reside in the St. Louis metropolitan area. A class action will be an efficient method of adjudicating the claims of the class members who have suffered relatively small damages, as a result of the same conduct by Equifax. In the aggregate, class members have claims for

relief that are significant in scope relative to the expense of litigation.

The availability of defendant's consumer data will facilitate proof of class claims, processing class claims, and distributions of any recoveries.

Plaintiffs' claims are typical of the claims of the Missouri class because each suffered risk of loss and credit harm and identity theft caused by Equifax's negligent failure to safeguard their data, the injuries suffered by plaintiffs and the Missouri class members are identical in most ways (i.e. the costs to monitor and repair their credit through a third-party service for at least 24 months),

and plaintiffs' claims for relief are based upon the same legal theories as are the claims of the other class members. Plaintiffs will fairly and adequately protect and represent the interests of the class because their claims are typical of the claims of the Missouri class, and ask the court to appoint counsel to protect all parties in the class and their interests

A class action is superior to other methods for fair and efficient adjudication of this case because common questions of law and fact

predominate over other factors affecting only individual members, as far as plaintiffs know, no class action that purports to include Missouri consumers suffering the same injury has been commenced in Missouri,

MISSOURI CLASS CLAIM FOR RELIEF

– Claim 1 –

NEGLIGENCE

As alleged in this complaint, Equifax undertook care of credit and personal information belonging to plaintiffs and the Missouri putative class, then breached its legal duty by failing to maintain adequate technological safeguards, falling below the standard of care in the technological industry, directly and proximately causing foreseeable risk of data loss and credit harm and identity theft and other economic losses, in amounts to be decided by the jury.

18.

Plaintiffs and the Missouri class are entitled to equitable relief in the form of an accounting of exactly how their credit and personal information was accessed without authorization by third parties, restitution, and unless agreed upon by Equifax, an order to preserve all documents and information (and electronically stored information) pertaining to this case.

19.

Demand for jury trial.

20.

PRAYER FOR RELIEF

Plaintiffs seek relief for themselves and / or the proposed Missouri class as follows:

- A. Appointment of counsel.
- B. Unless agreed upon by Equifax, an order to preserve all Documents and information (and electronically stored information) pertaining to this case,

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- C. An order certifying this matter as a class action,
- D. Judgment against Equifax for fair compensation in an amount to
be decided by the jury, and costs,
- E. And other relief the Court deems necessary.

September 12, 2017

RESPECTFULLY FILED,

James Stewart Pro se



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Eileen Stewart



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